

Non-Statutory Licensing Committee

18 September 2019

Report title	Consultation on Amendments to Private Hire Licence Conditions	
Wards affected	All	
Accountable director	Ross Cook, Director, City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell	Licensing Services Manager
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Report to be/has been considered by	N/A	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Request Licensing Officers to undertake a consultation exercise with the trade groups.
2. Request a future report to Licensing Committee detailing the consultation responses and a final draft of private hire conditions, with a recommendation, for consideration.

1.0 Purpose

- 1.1 To gain support for consultation with the private hire trade group on the proposed draft changes to conditions for private hire Operator, Driver's and Vehicles.

2.0 Background

- 2.1 Licensing Committee conditions licences for Private Hire Operator, Driver's and Vehicles through The Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Private Hire conditions were amended and approved at Licensing Committee on 29th November 2017 with a commencement date of 01 January 2018.
- 2.3 The onset of technology within the private hire trade and the intricacy of cross border hiring necessitates the proposed draft changes at Appendices 1 to 3.

3.0 Proposal

- 3.1 The proposed draft changes shown at Appendices 1 to 3 bring the current conditions up to date.

- 3.2 The changes are summarised below.

Operator

- Replace the requirement for log in details and a password to base computers with a requirement for the Operator to provide their contact details to enable immediate access to satellite offices and systems.
- Changes to permit the use Interactive voice response (IVR) technology.
- Enable the storing of digital images rather than the keeping of paper records.
- Requirement for a public complaints policy and for the referral of 'specified complaints' to licensing compliance.
- The licence holder to report their being arrested or charged to Licensing Services.
- Other minor changes to clearly set out requirements.

Driver

- Changes to the way a driver must inform licensing services of any changes in circumstances.
- A requirement for driver to undergo drug and/or alcohol testing at any time.
- Enable the storing of digital images rather than the keeping of paper records.
- The licence holder to report their being arrested or charged to Licensing Services.
- Other minor changes to clearly set out requirements.

Vehicle

- Changes to the way a vehicle proprietor must inform licensing services of any changes in circumstances.
- Enable the storing of digital images rather than the keeping of paper records.
- Other minor changes to clearly set out requirements.

3.3 Although there is no legal requirement to consult with the private hire trade groups, in the interest of positive working relationships, it is proposed to consult with the private hire trade groups. Furthermore, it is proposed to consult all City of Wolverhampton licensed private hire vehicle drivers via email with a link for them to view the proposals.

4.0 Financial implications

4.1 There are no direct financial implications arising from this report. [KP/09092019/X]

5.0 Legal implications

5.1 The Local Government (Miscellaneous Provisions) Act 1976 Part II (the Act) allows the local authority to condition licences for hackney carriage and private hire vehicles, proprietors, drivers and private hire vehicle operators.

5.2 Section 48(2) of the Act provides a district Council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary and section 48(7) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the grant of their PH Vehicle Licence.

5.3 Section 51(2) of the Act provides that the Council may attach such conditions to a driver's licence as the Council considers are reasonably necessary and section 52 provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the licence.

5.4 Section 55(3) of the Act provides that the Council may attach such conditions to an operator's licence as the Council considers are reasonably necessary and section 55(4) provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the Operator's licence.

5.5 As mentioned earlier in this report, the Act does not request consultation for the imposition of new conditions, although consulting the trade would be good practice. [SH/06092019/A]

6.0 Equalities implications

6.1 An initial equality analysis has been undertaken on the changes to this consultation.

7.0 Climate change and environmental implications

7.1 There are no direct climate change or environmental implications arising from this report.

8.0 Schedule of background papers

8.1 There are no background papers.